

# NOVELLAE

## News of Medieval Canon Law

No. 7 March 2011

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### CALL FOR PAPERS TORONTO 2012

The [Fourteenth International Congress of Medieval Canon Law](#) will be held 5–11 August, 2012, at Saint Michael's College in the University of Toronto, Canada. The program committee invites proposals for papers in any area of Medieval Canon Law, including the following:

- Sources and Texts
- Canonical Doctrine
- Institutions, Legislation, Procedures
- Application and Influence
- Law, Theology and the Schools

Please include the following information with your proposal:

- Your name and title (Ms., Mr., Dr., Prof., etc.)
- Your institutional affiliation
- The title of your proposed paper
- A brief (one paragraph) summary of the proposed paper
- Your email address
- Your postal address

In addition to individual papers, the program committee will also entertain proposals for special sessions (3 papers) and panel discussions on a particular topic.

The deadline for proposals is August 15, 2011. Proposals (in a PDF file, or in Word or WordPerfect

format) should be sent as an email attachments to [joe.goering@utoronto.ca](mailto:joe.goering@utoronto.ca). Those unable to send proposals as email attachments may send a hard copy to:

Joe Goering  
Department of History  
University of Toronto  
100 St. George St.  
Toronto, ON M5S 3G3, Canada

### NEWS OF ICMAC

Dear ICMAC members, colleagues and all friends of medieval canon law,

ICMAC is sponsoring two sessions at the [International Congress on Medieval Studies in Kalamazoo, Michigan in May 2011](#). The first of these is entitled, 'Did the Letter of the Law Matter? Church law and social history.' The second session, co-sponsored with the organization *Episcopus*, is called, 'The Bishop at Work: Tasks, trials and transformations of diocesan administration.' ICMAC has granted Danica Summerlin of Queens' College, Cambridge a travel bursary in order to deliver a paper in the first session.

ICMAC will hold two social events at Kalamazoo: a BYOS [bring your own sandwich] "business lunch" on Saturday at noon; and a cocktail party on Saturday, May 15 from 5-7 pm. The "business lunch" is extremely informal and everyone is welcome.

Stephan Kuttner Institute  
of Medieval Canon Law  
President: Peter Landau  
Geschwister-Scholl-Platz 2  
D-12344 München, Germany  
[www.kuttner-institute.jura.uni-muenchen.de](http://www.kuttner-institute.jura.uni-muenchen.de)

Iuris Canonici Medii Aevi Consociatio  
(ICMAC)  
President: Kathleen G. Cushing  
<http://www.chass.utoronto.ca/medieval/icmac/>

NOVELLAE  
*News of Medieval Canon Law*  
Editor: Anders Winroth  
P.O. Box 208324  
New Haven CT 06520-8324, USA  
[anders.winroth@yale.edu](mailto:anders.winroth@yale.edu)

Please bring a potential participant or friend along, too. The locations will be stated in the program. Please join us and bring a potential participant or friend to the sessions on canon law, join us with a sandwich at our business lunch, and come have a drink on us to wrap things up on Saturday evening.

*Greta Austin*  
Secretary, ICMAC

## CONFERENCES

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Eighth Carlsberg Academy conference, Copenhagen 4<sup>th</sup> to 6<sup>th</sup> May 2011: **Law and marriage in the Middle Ages and Early Modern times**. Keynote Speakers: Prof. Charles Donahue, Jr. (Harvard Law School) and Prof. Philip L. Reynolds (Emory University, Candler School of Theology).

The sessions will address the following aspects of marriage: Marriage and Canon Law, Practicing Marital Law, the Concept of Marriage, Marital Impediments, Marriage in Late Medieval Cities, Economical Aspects of marriage and Strategies of Marriage, Family and Kin.

The conference will take place, as usually, at the beautiful building of Carlsberg Academy, formerly the family residence of the founder of the Carlsberg Breweries, J. C. Jacobsen, close to the centre of Copenhagen. For registration: <https://webshop.dpu.dk/default.aspx?id=4992>. For any practical inquiries, please contact:

Helle I. M. Sigh, Institute for History and Area Studies, University of Aarhus: [hishim@hum.au.dk](mailto:hishim@hum.au.dk).

Kirsi Salonen, Department of History and Philosophy, University of Tampere: [kirsi.i.salonen@uta.fi](mailto:kirsi.i.salonen@uta.fi).

Helle Vogt, Faculty of Law, University of Copenhagen, [helle.vogt@jur.ku.dk](mailto:helle.vogt@jur.ku.dk).

Law, Violence and Social Bonds, c. 900-1250. Call for papers for a three-day conference entitled '**Law, Violence and Social Bonds, c. 900-1250**,' hosted by the St Andrews Institute of Mediaeval Studies, 17-19 June 2011.

Considering attitudes towards lawful and unlawful violence in relation to social bonds - be they familial, seignorial or spiritual - and bringing together a number of distinct conceptual approaches, such as anthropology, sociology and prosopography, this

conference will offer new avenues of research and discussion.

The two keynote speakers for the conference will be Dominique Barthélemy (Université Paris Sorbonne – IV) and William Ian Miller (University of Michigan Law School); six invited speakers will offer shorter papers discussing the conference themes within different contextual milieux.

We invite proposals from postgraduate and postdoctoral scholars from any relevant Mediaeval discipline for 20-minute papers, encouraging in particular considerations of the interactions and relationships amongst law, violence and social bonds.

Please send abstracts for papers of 20 minutes, of no more than 250 words, to [lvsb@st-andrews.ac.uk](mailto:lvsb@st-andrews.ac.uk). The deadline for submission is Friday 11 March 2011.

International Workshop at the Abbey of Fontevraud, 17-18 October 2011: **Jews in the ecclesiastical, Roman-barbarian and Byzantine law (sixth to eleventh centuries)**: changes, ruptures, adaptations. This workshop will provide an opportunity for renewed reflection on the legal conditions of Jews in Latin Europe and Byzantium in the early middle ages.

The workshop will address such topics as the status of the synagogues, liturgical requirements, prohibitions concerning sexual relations and commensality, the problem of conversions to Judaism, proselytizing, apostasy, crypto-Judaism, exclusion from public functions, or laws concerning property (landed estates, slaves) and usury. The vast majority of these measures have their roots in Roman law. Analysis of their reception in both ecclesiastical and secular laws of Latin Europe and Byzantium should permit us to perceive continuities, adaptations, changes or disruptions in legal theory and practice.

These proposals are indicative and by no means exhaustive; other lines of inquiry are welcome. Communications will be in French or English and will last 30 minutes. The organizers will pay transportation costs and accommodation for those presenting papers.

Those wishing to participate should send, before April 10, 2011, a one-page proposal and full contact details, personal and professional email to [laurence.foschia@univ-nantes.fr](mailto:laurence.foschia@univ-nantes.fr). We encourage PhD students to apply (please include a recent curriculum

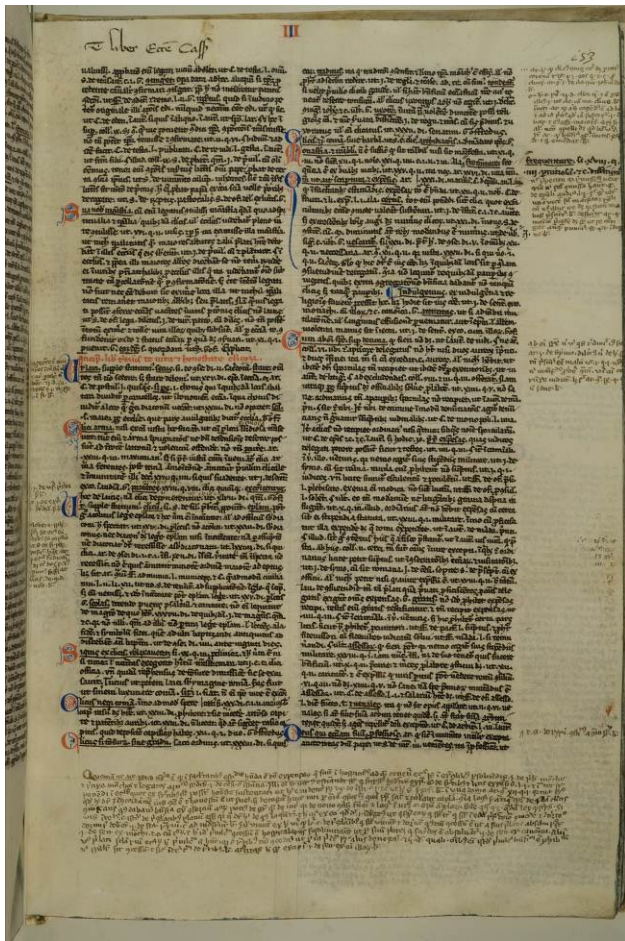
vitae). The workshop is connected with the [RELMIN](#) project.

Scientific Committee:

John Tolan, Nicholas de Lange, Capucine Nemo-Pekelman, Laurence Foschia

## MOSAICO PROJECT

In 2008, the Italian Government promoted a research project presented by a Consortium of Universities [University of Bologna- CIRSFD (coordinator), Roma Tre University of Rome, Federico II University of Naples], named “Piecing together a Mosaic: Describing, Digitizing and Using Medieval Legal Manuscripts”. The goal of the “Mosaic project” is to create a portal Web 2.0 (online at <http://mosaico.cirsfid.unibo.it>), containing homogeneous descriptions of medieval codices connected with a collection of digital manuscripts which can be viewed in high resolution.



The portal provides access to a significant database, collecting much information about legal manuscripts

dispersed in thousands of academic publications of specialized literature. The history of academic use of these manuscripts from the 19<sup>th</sup> century onward will be reflected in the form of the records collected. Several manuscripts will be newly described and commented by world-wide known scholars, such as Profs. Bellomo, Bertram, Condorelli, Conte, Dolezalek, Loschiavo, Martino, Vano, Winroth, and others who will join the project in the near future.

*The picture shows a page from Montecassino 266: Goffredus Tranensis, Apparatus decretalium in the Mosaico digital edition by Martin Bertram.*

## RECENT INSTITUTE PUBLICATIONS

*Magistri Honori Summa 'De iure canonico tractaturus, 2, In memoriam Rudolf Weigand†, ediderunt Peter Landau, Waltraud Kozur; adlaborantibus Stephan Haering, Heribert Hallermann, Karin Miethaner-Vent, Martin Petzolt. Monumenta iuris canonici. Series A: Corpus glossatorum 5/2. Città del Vaticano: Bibliotheca apostolica Vaticana, 2010.*

*The text of the Summa of Honorius is now completely edited. It remains to publish a third volume containing indices, which is far along in preparation. Congratulations to the Würzburg team which has been working on it for so long, from the beginning under the leadership of Rudolf Weigand. The team will now continue with the Summa questionum of Honorius.*

## RECENT PUBLICATIONS

Ester Cohen, *The Modulated Scream: Pain in Late Medieval Culture*. Chicago University Press, 2010. 384 pp.

*A cultural history of pain and suffering, including one chapter on judicial torture.*

Peter Landau, *Grundlagen und Geschichte des evangelischen Kirchenrechts and des Staatskirchenrechts. Jus ecclesiasticum 92*. Tübingen: Mohr Siebeck, 2010. viii + 476 pp.

Peter Landau, “Kanonistische Ergänzungen zur Germania und Bohemia Pontificia: Päpstliche Dekretalen an Empfänger im Reich zwischen 1140 und 1198,” *Sacri canones servandi sunt: Ius canonicum et status ecclesiae saeculis XIII-XV*, ed by Pavel Krafl. Prague, 2008, 241-257.



Anne Lefebvre-Teillard, “La circulation des connaissances juridiques au moyen âge: Quelques exemples,” *Rivista di storia del diritto Italiano* 81 (2008), 5-14.

Kriston Rennie, *Law and Practice in the Age of Reform: The Legatine Work of Hugh of Die (1073-1106)*. Medieval Church Studies 17. Brepols, 2010. xiii + 246 pp. €60.

*Hugh's efforts in disseminating reform in France in the 1070s, 1080s, and 1090s were shaped by his council activity. The manner in which he conducted this business sheds light on every aspect of his work, revealing not only his personal interpretation and application of the law, but also his vigour in suppressing clerical marriage, the selling of church offices, lay investiture, and the gravity with which he conducted his duties as legate. New light is cast on Hugh's personality and achievements by looking at the nature and influence of his legatine and legal activity in France. Dr. Rennie is Lecturer in Medieval History at the University of Queensland, Brisbane, Australia.*

Franck Roumy, “La naissance de la notion canonique de *consanguinitas* et sa réception dans le droit civil,” in *L'héritité entre Moyen Âge et Époque moderne: Perspectives historiques*, ed. by Maaïke van der Lugt and Charles de Miramon, Micrologus library 27. Florence, 2008, 41-66.

Frank Roumy, “Remarques sur l'œuvre canonique d'Abbon de Fleury,” in *Abbon: un abbé de l'an mille*, ed. by Annie Dufour and Gillette Labory. Turnhout: Brepols, 2009.

José Miguel Viejo-Ximénez, “*Non omnis error consensus euacuat*: La C. 26 de los *Exserpta* de Sankt Gallen (Sg),” *Iustitia et iudicium: Studi di diritto matrimoniale e processuale canonico in onore di Antoni Stankiewicz*, ed. by Janusz Kowal and Joaquín Llobell. Vatican City: Libreria editrice Vaticana, 2010, 617-641.

Helle Vogt, *The Function of Kinship in Medieval Nordic Legislation*. Leiden: Brill, 2010. 304 pp. € 119 / \$ 168.

*A strict definition of kinship – a canonical one – was introduced in to the Nordic medieval legislation, replacing an older, looser one. According to a canonical definition of kinship – constructed after the*

*Church's incest prohibitions, you were obligated towards all your blood-relatives. This doctrine applies where: 1) The kin group acted as a legal person towards a third party in cases about paying of wergeld, and where the kinsmen collectively took an oath. 2) Rights and obligations between the kindred regulated land transactions either by inheritance, donations or sale. Here the obligations were at their widest. The moral requirement for love and cohesiveness was strengthened by more substantial rules to ensure, that land was not transferred at the expense of kinsmen.*

### ZRG: KANONISTISCHE ABTEILUNG

Band 96 (2010), Knut Wolfgang Nörr gewidmet.

Blumenthal, Uta-Renate, A New Manuscript of the *Exceptiones legum Romanorum Petri*

Böttcher, Diethelm, Johannes XXII., Ludwig der Bayer und die *monitio canonica*

Ernst, Wolfgang, Kanonisches Recht in Savignys „System“

Frisch, Michael, Zur Württembergischen Großen Kirchenordnung von 1559

Haering, Stephan OSB, Rudolf Weigand und die kirchenrechtliche Mediävistik. Ein Überblick

Heckel, Martin, Zur Auswirkung der Konfessionalisierung auf das Recht im Alten Reich

Helmholz, Richard, Scandalum in the Medieval Canon Law and in the English Ecclesiastical Courts

Lefebvre-Teillard, Anne, Un dictum Gratiani embarrassant

Rüfner, Thomas, Die gesetzesgleiche Geltung des kanonischen Rechts in der Spätantike

Salonen, Kirsi, The consistory court of Freising in the late Middle Ages

Schlinker, Steffen, Die prozessuale Funktion der *sententia interlocutoria* im spätmittelalterlichen gelehrten Zivilprozess

Schmoeckel, Mathias, Dokumentalität. Der Urkundsbeweis als heimliche „*regina probationum*“ im Gemeinen Recht

Sedano, Joaquín, A Comparative Analysis of the Panormia and the *Collectio X Partium*

Sommar, Mary E., Ecclesiastical Servi in the Frankish and Visigothic Kingdoms

Synek, Eva M., „...denn Er ist gütig und menschenfreundlich“. Kirchenrecht als Erfahrungshorizont göttlicher philanthropia

Theisen, Karl Heinrich, Assessoren und Akzessisten am Offizialat im alten Erzbistum Trier (1312-1802)

Van Norden, Jörg, Selbständige Kirche, politische Kirche, „Ehe von Thron und Altar“? Die Auseinandersetzungen um die Verfassung der Evangelischen Kirche im Rheinland (1803-1923)

von Campenhausen, Axel Frhr., Vergangenheitsbewältigung in der Kirche. Zugleich ein Beitrag zu den „Wochenbriefen“ August Marahrens'

Witte, John Jr., Rechte, Widerstand und Revolution in westlicher Tradition: frühe protestantische Grundlagen

Donahue, Jr., Charles, A New Synthesis of the History of Canon Law in the Classical Period, 1140-1234

Landau, Peter, Die Dekretsumme *Fecit Moyses tabernaculum* - ein weiteres Werk der Kölner Kanonistik

Maceratini, Ruggero, Ancora sullo stato giuridico dell'eretico nel diritto romano e medievale

Unterburger, Klaus, Nachahmung des modernen Staates und spiritualistische Waffe gegen ihn - Zu Carlo Fantappiès epochaler Geschichte und Deutung der Kodifizierung des Kirchenrechts von 1917

Manche Besprechungen.

In **ZRG: Romanistische Abteilung** 127 (2010), we note:

Loschiavo, Luca, Il codex graecus e le origini del Liber authenticorum. Due contributi alla storia dell'Authenticum

Die Praefatio zum Codex Iustinianus von Paul Krüger. Übersetzt von Gisela Hillner

## DISSERTATION

Émilie Rosenblieh defended her dissertation *Juridiction conciliaire et juridiction pontificale au temps du concile de Bâle (1431-1449). Recours, procédures et suppliques* on December 6, 2010, at Université Paris 1 Panthéon-Sorbonne.

## WEB SITES

There are two new sets of images in the Yale Law School Rare Book Collection's Flickr galleries: *Tractatus iuris* (1549) and *Tractatus universi iuris* (1584-86). The images include tables of contents and indexes of authors and titles for these two massive compilations of Roman and canon law scholarship. The images were cropped and edited for legibility, not for aesthetics.

The 18-volume *Tractatus ex variis iuris interpretibus* (1549) was published by a consortium of Lyon printers. Its tall folios contains 458 separate works by over 200 different authors on virtually any topic of interest to lawyers and jurists of the time, and served as a sort of encyclopedia of the *ius commune*. Topics include arbitration, contracts, heresy, debt, adultery, taxation, judicial torture, banking, estates, criminal procedure, and the law of war, to name just a very few. Most of the leading authors of medieval and Renaissance jurisprudence are represented, including Baldus, Bartolus, Durandus, Odofredus, Jean Montaigne, Jacobus de Arena, Johann Oldendorp, and Guy de la Pape.

Ordo Tractatum, qui in hoc Volumine habentur.	
De interdicitis Odofredi.	folio 2.
De pignoribus & hypothecis Anton. Negusantij.	5.
De excussione pignorum Bartoli.	70.
De excussione bonorum Iacobi de Arena.	71.
De discussione Benedicij de Plumbino.	72.
De exceptionibus liti ingressum impediens Martini de Fano.	73.
De exceptionibus Lanfranci de Oriano.	73.
De exceptionibus Innocentij quarti Genuesis.	74.
De exceptionibus in ytroque foro Nepotis de Monte Albano.	76.
Defensorium iuris Ioannis Monachi in decem & octo titulos seu exceptiones distributum.	93.
De exceptionibus dilatorijs & declaratorijs Bagaroti.	100.
De consuetudine Petri Ravennatis.	102.
De consuetudine Rochi de Curte.	110.
De donatione causa mortis Rolandini Passagerij.	145.
De insinuationibus Anto. de Canario.	146.

A much-expanded edition, the 22-volume *Tractatus universi iuris*, was issued in 1584-86 by the Venetian publisher and bookseller Francesco Zilletti. It contains 754 titles by 362 authors, including several jurists who rose to prominence after the publication of the 1549 edition (i.e. Joost de Damhoudere, Benvenuto Stracca).

## AUDITA ODOFREDI

After finishing her dissertation on *Bigamy in Late Medieval France* at Yale University, Sara McDougall is teaching at John Jay College of Criminal Justice as an assistant professor of history. The college is a part of the City University of New York (CUNY) system.

After finishing her dissertation on *From Gratian's Concordia discordantium canonum to Gratian's Decretum: The Evolution from Teaching Text to Comprehensive Code of Canon Law* at the Catholic University of America, Melodie Harris Eichbauer is teaching at the Florida Gulf Coast University as assistant professor of history. Among her courses during the fall semester of 2010 was the history of Roman law.

After finishing his dissertation on *The Papacy and the Use and Understanding of the Pallium from the Carolingians to the Early Twelfth Century* at Columbia University, Steven Shoenig, S.J., is teaching at St. Louis University as assistant professor.

Gregory Roberts, a graduate student at Yale University, has won a Fulbright fellowship to Italy for research on his dissertation entitled *Law enforcement in medieval Italian communes, 1260-1330*. He is doing most of his research in the city archives of Bologna with their rich fond of judicial records.

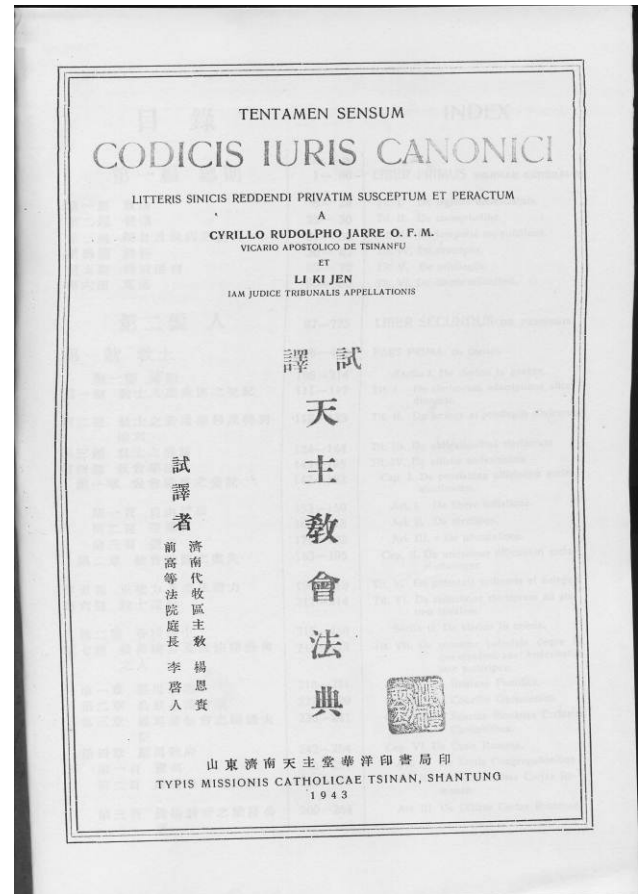
The President of the Stephan Kuttner Institute of Medieval Canon Law, Peter Landau made a trip to Japan and Taiwan in November to give a number of lectures on topics of interest to medieval canon law. He was joined in Tokyo, Niigata, and Sapporo by the secretary Anders Winroth.

*Novellae* 6 contained photos from 24 March, 2010, when Peter Landau and Waltraud Kozur gave Pope Benedict XVI copies of the most recent Institute editions. Tom Kuttner now reminds us that 24 March was Stephan Kuttner's birthday, in 1907. What a suitable coincidence!

## CODEX IURIS CANONICI IN CHINESE

The 1917 *Code of Canon law* exists, of course, in translations into many languages (just like the 1983 *Code*). Our colleague Peng Xiaoyu (PhD, Catholic University of America, 1998), professor of history at Peking University, has shared a photo of the 1943 translation into Chinese. This was the result of col-

laboration between the German-born Cyrill Jarre, OFM (later archbishop of Jinan, China) and the Chinese judge Li Ki Jen. Professor Peng judges the translation very felicitous. Its language harks back beautifully to the ancient legal tradition of China. The book is also very handsomely printed. An impressive achievement. (The Code of 1983 has also been translated into Chinese).



## FROM THE EDITOR

The editor continues to be most grateful to colleagues who send him news for the *Novellae*. I am sure that there must exist more relevant recent publications that I have overlooked.

## SUBSCRIPTIONS

For a (free) subscription to *Novellae: News of Medieval Canon Law*, or to unsubscribe, please contact our Subscription manager, Mr. Jin U. Kim at [novellaemcl@gmail.com](mailto:novellaemcl@gmail.com).

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